

That in reliance upon the defendant's dedication of said parcel to public use and the Zoning Certificate/Building Permit issued to them, the plaintiffs constructed their home so as to face 2nd Avenue and to be served by a driveway across the parcel of land in question.

In her answer to plaintiffs' complaint, defendant now asserts, in effect, that she did not dedicate the land to public use. (Paragraph 6, 7 and 8 of defendant's Answer to Complaint).

In addition, notwithstanding her statement, duly notarized on the aforementioned Resubdivision Plat (Exhibit No. 1) that there were no mortgages or liens against the property, defendant now states in her pleadings filed in this case, also under oath, that there was and is now a 1980 mortgage to the Bank of Brunswick. The purpose of the affidavit on the Resubdivision Plat is to insure that all parties who vested with an interest in the subject real property join in and consent to the subdivision of the land and to legally effect any dedication of land required by the Brunswick Planning and Zoning Commission.

The defendant's revelation that the parcel dedicated to public use is subject to a mortgage means that possibly the parcel could be sold at a mortgage foreclosure sale. That in as much as the mortgagee did not join in the resubdivision plat, said mortgagee is not bound by the owner's dedication thereof to